

SNELL & WILMER L.L.P.  
Alan L. Sullivan (3152)  
Todd M. Shaughnessy (6651)  
Amy F. Sorenson (8947)  
15 West South Temple, Suite 1200  
Salt Lake City, Utah 84101-1004  
Telephone: (801) 257-1900  
Facsimile: (801) 257-1800

CRAVATH, SWAINE & MOORE LLP  
Evan R. Chesler (admitted pro hac vice)  
David R. Marriott (7572)  
Worldwide Plaza  
825 Eighth Avenue  
New York, New York 10019  
Telephone: (212) 474-1000  
Facsimile: (212) 474-3700

*Attorneys for Defendant/Counterclaim-Plaintiff  
International Business Machines Corporation*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

THE SCO GROUP, INC.,  
  
Plaintiff/Counterclaim-Defendant,  
  
v.  
  
INTERNATIONAL BUSINESS MACHINES  
CORPORATION,  
  
Defendant/Counterclaim-Plaintiff.

**[PROPOSED]  
ORDER GRANTING IBM'S EX PARTE  
MOTION FOR LEAVE TO FILE  
OVERLENGTH MEMORANDUM IN  
SUPPORT OF IBM'S MOTION FOR  
SUMMARY JUDGMENT ON SCO'S  
CONTRACT CLAIMS (SCO'S FIRST,  
SECOND, THIRD AND FOURTH  
CAUSES OF ACTION)**

Civil No. 2:03CV-0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

Based upon Defendant/Counterclaim-Plaintiff International Business Machines Corporation's ("IBM") Ex Parte Motion for Leave to File Overlength Memorandum in Support of its Motion for Summary Judgment on SCO's Contract Claims (SCO's First, Second, Third, and Fourth Causes of Action) and for good cause appearing thereon,

IT IS HEREBY ORDERED that IBM may file its overlength Memorandum in Support of its Motion for Summary Judgment on SCO's Contract Claims (SCO's First, Second, Third, and Fourth Causes of Action), not to exceed thirty-four pages of argument.

DATED this \_\_\_\_ day of September, 2006.

**BY THE COURT**

---

**Dale A. Kimball**  
**United States District Court Judge**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 25th day of September, 2006, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court and delivered by CM/ECF system to the following:

Brent O. Hatch  
Mark F. James  
HATCH, JAMES & DODGE, P.C.  
10 West Broadway, Suite 400  
Salt Lake City, Utah 84101

Stephen N. Zack  
Mark J. Heise  
BOIES, SCHILLER & FLEXNER LLP  
100 Southeast Second Street, Suite 2800  
Miami, Florida 33131

and by U.S. Mail, postage pre-paid to:

Robert Silver  
Edward Normand  
BOIES, SCHILLER & FLEXNER LLP  
333 Main Street  
Armonk, New York 10504

/s/ Amy F. Sorenson